

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF SELECTMEN**June 23, 2014**

The special meeting of the Board of Selectmen was called to order at 4:00 pm in the conference room #1 of the North Haven Memorial Town Hall, 18 Church Street, North Haven, CT.

Members Present

First Selectman, Michael J. Freda
Second Selectman, Timothy M. Doheny
Third Selectman, Sally J. Buemi

There being no public comment relative to the agenda, the Board proceeded with the one item on the agenda regarding the approval of the Memorandum of Understanding with the Connecticut Department of Energy and Environmental Protection and the participating Wallingford Project municipalities.

First Selectman, Michael Freda explained the history and background regarding the former trash to energy facility, the Connecticut Resources Recovery Authority (CRRA) that the Town used years ago. He explained that in November of 2008, five towns – Wallingford, Cheshire, Hamden, Meriden and North Haven formed a consortium and moved their trash disposal to Covanta which provided a reduction in tipping fees. The Town held a Special Town Meeting in December of 2008 and ratified moving from CRRA to Covanta. North Haven is currently part of a Policy Board consisting of the five towns. The purpose of today's meeting is to provide a solution to the closure of the CRRA facility. Mr. Freda welcomed Macky McCleary, Deputy Commissioner of the State of Connecticut Department of Energy & Environmental Protection (DEEP), and noted that Robert LaFrance of DEEP would be attending the meeting as well. Mr. McCleary then provided the Board an explanation of some of the responsibilities involved with post closure of the CRRA facility and the perpetual care of the facility which contains both ash and waste from the five towns. Mr. McCleary explained that the State of Connecticut will be taking over the perpetual care of the facility and the Memorandum of Understanding (MOA) that we are reviewing today was designed to allow the release of funds to the State, and clarify the depth and breadth of responsibility that the State is taking over, allowing the State access to the landfill to deliver their responsibilities and the opportunity to leverage the funds. The MOU states that if after February, 2035 there were monies left over, it would be distributed proportionately to the five towns. He stated that since the responsibility is perpetual, that is a very unlikely event.

Miss Buemi stated that she does not have any problems with the language contained in the MOU which outlines the State's responsibilities, however, there is no language contained within the document stating that if the costs exceed the \$6,926,927 in the Post Closure Fund, they will not be the responsibility of the five towns. Miss Buemi wants to be sure the Town will not be billed for anything that may exceed that. Mr. Doheny agreed and noted the same thing and questioned why the MOU doesn't just say that. Mr. McCleary explained that it is stated very clearly in the previous MOU and State statutes that the State is responsible for the closure and perpetual care. Mr. Freda also explained the Statute and why there will be no residual responsibility to the five towns. A brief discussion continued, with Mr. Freda

concluding that this is a great opportunity for the five towns and this represents a very favorable closure to an ongoing issue.

Mr. Doheny and Miss Buemi introduced and read the following resolution:

WHEREAS, pursuant to the terms of the February 1, 1990 Amended and Restated Municipal Solid Waste Delivery and Disposal Contract and all amendments thereto (the “Agreements”), the Connecticut Resources Recovery Authority (“CRRA”) established a fund, the Wallingford Landfill post-closure reserves and trusts (“the Fund”), to be used by CRRA to, among other things, undertake post-closure care at the Wallingford Landfill (“the Landfill”). Under the Agreements, the fund established by CRRA shall continue until the Policy Board, established pursuant to section 9.15 of the Agreements, determines that it is no longer appropriate for such fund to continue; and

WHEREAS, pursuant to Public Act 13-247, CRRA and the Department of Energy and Environmental Protection (“DEEP”) have entered into a Memorandum of Understanding (Exhibit A) providing the DEEP, not CRRA, will be undertaking post-closure care at the Landfill; and

WHEREAS, the following permits have been or will be transferred to DEEP and DEEP is now obligated to comply with the permits and provide the post-closure care at the Landfill:

- i. Stewardship Permit No. DEP/HWM/CS-148-004 (issued on 9/16/09);
- ii. Stormwater Discharge Certificate No. GSI000499 (Registration effective 10/1/11);
- iii. Groundwater Discharge Permit No. LF0000028 (except for Condition #4, which is superseded by the Stewardship Permit in item i).

WHEREAS, DEEP and the Policy Board are entering into a Memorandum of Understanding (Exhibit B) addressing the accounting of the Fund during post-closure care of the Landfill.

NOW THEREFORE, based upon the foregoing, it is hereby

RESOLVED: That the Policy Board acknowledges that with the transfer of permits from CRRA to DEEP and the execution of the MOU between DEEP and CRRA and the MOU between DEEP and the Policy Board, it is no longer necessary or appropriate for CRRA to continue or maintain the post-closure reserves and trusts, established by section 5.12 of the Agreements and such reserves and trusts may be discontinued; and

FURTHER RESOLVED: That while the Policy Board agrees that CRRA shall no longer have any obligation under section 5.12 of the Agreements to disburse and portion of the Fund to the Policy Board, in lieu of this, section 3 of the MOU between DEEP and the Policy Board specifies the circumstances in which such a disbursement may occur in the future.

Miss Buemi motioned and Mr. Doheny seconded the approval of the resolution.
Vote: Freda- Yes, Doheny- Yes, Buemi – Yes

There being no public comment, Mr. Doheny motioned to adjourn at 4:28 p.m., seconded by Miss Buemi.
Vote: Freda- Yes, Doheny- Yes, Buemi – Yes